

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
January 3, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Sheldon – Present
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Woodward – Present
Commissioner Russo – Present
Commissioner Backer – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Approval of the Minutes from the November 1, 2011 Planning Commission Meeting

ACTION: Commissioner Backer made a motion to approve the Minutes from the November 1, 2011 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Woodward.

VOTE: All in favor 7-0 Motion carried

NEW BUSINESS:

Review Petition 11-24 Tax Parcel #1900-400-333

Evetti Gomez introduced herself as a resident of the property located at 226 Tamarack Ave. She stated she applied for a permit for a garage, it was approved, and then was told she would need a variance, related to lot coverage, in order to extend the driveway to the garage.

Chairman Lindell asked if the only reason she was there was to go over the variance needed for the extension of the driveway.

Mrs. Gomez said yes, because the garage had already been approved.

Chairman Lindell asked if this was correct.

Secretary of the Code Office, Mr. Craig Hanna, stated it was approved.

Chairman Lindell asked if Mrs. Gomez was looking to extend her driveway into a 24' x 16' area.

Mrs. Gomez confirmed she was.

Chairman Lindell then stated that the Code allows for a 20' x 10'. He went on to ask why she proposed to make the driveway 16' wide.

Mrs. Gomez stated that the garage was also going to be 16' wide.

Chairman Lindell asked where the driveway's width would become 16'.

Mrs. Gomez stated the entire proposed extension, starting with the end of the existing driveway and ending at the entrance to the garage, would all be 16' wide.

Chairman Lindell then asked about how long the extension is.

Mrs. Gomez said it's about 12' long.

Commissioner Backer stated that the size of the driveway Mrs. Gomez was proposing brought up other Code issues. He stated that a 15' buffer would be needed as well as screening. He went on to say she's only authorized to have a maximum of 4 parking spaces.

Mrs. Gomez said they only have two cars and the garage is mainly for her car.

Chairman Lindell asked Town Manager Giles if there were any flooding issues around Tamarack Ave.

Mr. Giles said that they certainly have a "water issue" anywhere around the south side of the Town. He went on to say that residents across from Mrs. Gomez, on Sycamore Ave., were forced to remove garages and other accessory structures due to flood water issues.

Chairman Lindell asked if there was any consideration of the runoff the driveway would create due to the large amount of coverage.

Commissioner Anderson asked if the driveway was being done professionally.

Mrs. Gomez stated that it would be done by the same company that did the existing driveway they have.

Commissioner Russo asked if she had mentioned the driveway upon getting permission to build the garage.

Mrs. Gomez said they were not told they needed a driveway until after the permit was approved. She went on to say that the garage was previously going to be used only for storage and not for parking vehicles.

Commissioner Backer asked if the garage could be moved up and if it has to be as wide.

Mrs. Gomez said if there is no other option, they could move it up further closer to the existing driveway.

Chairman Lindell stated she needs to minimize the area of coverage she's asking for in the variance.

Loretta Schneider introduced herself as the resident at 235 Locust Ave. Ms. Schneider stated she feels that Mrs. Gomez may be looking to start a car detailing shop. She went on to say that she is opposed to the building of the driveway due to the fact that she already gets water on her property when it rains.

ACTION: A motion was made by Commissioner Backer to recommend denial of Petition 11-24. Commissioner Sheldon seconded the motion.

VOTE: All in favor 7-0 with Motion Carried

Review Petition 11-25 Tax Parcel #1900-500-074

Chairman Lindell asked if the Board of Adjustment should hear the issue dealing with Chapter 225-36-1 of the Code before the Planning Commission.

Town Manager Giles stated that the way he reads it, if the variance requested is approved, there wouldn't be a non-conforming use variance for the Board of Adjustment to hear. He went on to say that he would check with the Town attorney on the matter.

Bruce Greene introduced himself as the owner of Angerstein's. He stated they simply wish to rent out the use of the building to Dogtopia. He said they are not going to change the building as far as the footprint. He went on to say they wish to put a stockade fence up along the side of the building facing New Rd. He said the business would open at 7am, at which time, the customers would come in to drop their dogs off. He went on to say they would close by 7pm, when the customers would, by then, have come back to pick up their dogs.

Chairman Lindell asked if it was to be strictly a daycare with no “overnights”.

Mr. Greene stated they do keep dogs overnight on occasion.

Commissioner Sheldon asked if the business was going to offer grooming and pet supplies.

Tammy and Christine Holm, the owners of Dogtopia, stated they have a spa and a small amount of “gift-type things” they sell there.

Chairman Lindell asked about how many dogs at one time could they expect to have.

Tammy Holm stated from 20 to 45 at a time.

Commissioner Sheldon asked if there was someone that would be working at the facility overnight if there are dogs boarded there overnight.

Tammy Holm stated there would not be an attendant there overnight.

Commissioner Russo asked if there were any certification or licensing involved in running such a business.

Tammy Holm said no.

Commissioner Russo then asked if the company had a screening process for possible owners of the franchise.

Tammy and Christine Holm both stated they had to go through an interview and fill out paperwork.

Chairman Lindell asked Mr. Greene if the erection of the fence was to be temporary, in that, it would be taken down if the business of Dogtopia is ever to leave.

Mr. Greene said yes.

Commissioner Backer asked why the fence was to be 8’ high and of the stockade variety as opposed to a shadowbox fence.

Tammy Holm said a stockade fence would prevent anyone from sticking anything in through the fence. She went on to say that it was proposed to be 8’ high because some dogs could be very tall when standing on their hind legs.

Stan Sykora introduced himself as the owner and president of Erco Ceilings, as well as the owner of rental properties along New Rd. He said he does not object to Dogtopia being there, but said he does have concerns. He went on to say that he wanted the concerns he had addressed, hence the reasoning for the written letter. He stated his biggest concern was about noise for his tenants, but said he doesn't feel that any noise coming from the business would exceed anything that's already being done in that area, seeing as it's located in a General Industrial Zone.

Town Manager Giles stated he had Councilman Jaremchuk read over Chapter 225-36-1 of the Code and it was decided that the Board of Adjustment would need to hear the request of a variance to the non-conforming use issue, but thought it would be fine if the Planning Commission made a recommendation to them on it. He went on to say that he would like a restriction regarding the fence, stating that the police department would have to determine what kind of impact the fence would have on the traffic in that area, and if signs were needed for the traffic, they would be put in at the owners expense.

1st District Councilman, John Jaremchuk stated he received no adverse communication regarding the petition.

Commissioner Swain asked if the rails of the proposed fence were to be facing to the inside.

Tammy Holm said yes.

ACTION: A motion was made by Commissioner Backer to recommend approval of the temporary erection of a stockade fence in Petition 11-25. Commissioner Woodward seconded the motion.

VOTE: All in favor 7-0 Motion Carried

Motion on the Non-Conforming Use Issue in Petition 11-25

ACTION: A motion was made by Commissioner Backer to recommend approval of the operation of a Dog Day Care in a GI Zone in Petition 11-25. Commissioner Swain seconded the motion.

VOTE: All in favor 7-0 Motion Carried

OLD BUSINESS:

Review of the Response from the State in regards to the Comprehensive Plan

Mr. Giles stated that the response from the State to their 2011 Annual Report seemed very positive and that they have no issues with it. He went on to say that, starting next month, they would have a review of the Comprehensive Plan on the Agenda for the following meetings in order to start implementing some of the things they came up with.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor 7-0 Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 3, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY